

*For council meetings of  
8-18-09 & 9-1-09*

**MEMORANDUM**  
Emeryville Police Department

Date: August 18, 2009

To: Patrick D. O'Keeffe, City Manager

From: Ken James, Chief of Police

Subject: **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS, INC. OF SCOTTSDALE, ARIZONA FOR THE CONTINUATION AND MAINTENANCE OF THE PHOTO RED LIGHT ENFORCEMENT PROGRAM AND APPROPRIATING \$288,000 IN PROFESSIONAL SERVICES EXPENDITURES IN ACCOUNT 2100-80050 AND \$470,340 IN VEHICLE FINE REVENUES IN ACCOUNT 2100-60400 FOR FISCAL YEAR 2009-10**

**SUMMARY**

Staff recommends the City Council approve the resolution authorizing the City Manager to enter into an agreement with Redflex Traffic Systems Inc, of Scottsdale, Arizona for the continuation and maintenance of the City's Red Light Photo Enforcement Program at the intersections of Powell and Christie (two approaches), 40<sup>th</sup> and Horton, and 40<sup>th</sup> and Hollis Streets. The monthly cost of the contract will be \$6,000 per approach for a total monthly cost of \$24,000. Additional approaches may be added during the length of the contract at a cost of \$6,500 per approach.

**DISCUSSION**

Background

In 2004 the City entered into a five year agreement with Redflex Traffic Systems, Inc. for the installation and maintenance of Red Light Photo Enforcement Cameras. At that time, Council held a public hearing, which was required by law, prior to the implementation of the Automated Red Light Camera Enforcement Program, and adopted a resolution approving the use of such systems at various intersections within the City.

The use of red light camera enforcement systems, and the resulting traffic citations, has promoted traffic safety as part of a comprehensive traffic safety program. Similar systems are being used throughout California and the nation with Redflex systems currently in use in the Cities of Fremont, Union City, Hayward, Newark, San Leandro, and Oakland.

Experience within the City of Emeryville and other communities indicate that increased levels of enforcement at problem locations will reduce accidents and improve traffic safety. In those cities where photo enforcement technology has been deployed, red light violations, and traffic collisions with the resulting injuries and fatalities have been significantly reduced at most locations over a period of several years. Since the installation of the Redflex systems, beginning in September of 2004, accidents have been reduced at the intersection of Powell and Christie from an average of 46 per year to an average of 28 per year representing a 39% reduction. Additionally, an analysis of the accidents at the intersection of 40<sup>th</sup> and Hollis shows a 45% decrease. The accident numbers at the intersection of 40<sup>th</sup> and Horton are so small, an average of 4 per year, that a reduction analysis would be misleading.

Since the inception of the program in 2004, Police Department staff has issued 29,245 citations based on the camera evidence for an average of 585 citations per month. It should be noted that staff estimates that 20% of the violations they review for citation are dismissed prior to issuance due to the inability to positively identify the driver. Taking the dismissal into consideration, approximately 700 red light violations occur at these intersections per month.

Staff has reviewed the various red light camera enforcement systems available and Redflex Traffic Systems, Inc. remains superior. Of the various technologies available, the system developed and manufactured by Redflex is the only red light photo enforcement system that uses a combined approach of both digital video and digital still images. Specifically, Redflex is the only provider that includes a total of four (4) digital cameras in each camera unit. The camera configuration includes three (3) digital still cameras and one (1) digital video camera.

The use of digital video in combination with digital still images has significantly increased the Department's total citation yield rates, reduced the number of red light violations that are contested and dismissed, and ultimately provided the greatest compliance with the applicable California Vehicle Codes. Of the 29,245 citations issued only 1,006 or 3% have been dismissed by the courts.

Redflex is the only company that provides a full range of services that includes system installation, system maintenance and repair, citation processing and training of the Department's personnel, as well as court personnel, on the system. Because of the full range of services provided there is full system integrity and reliability. During the life of this contract Police Department staff has found Redflex to be responsive to all maintenance as well as administrative needs.

#### Proposed Agreement

The proposed Agreement would be for an initial five year term beginning in September 2009. The Agreement provides for up to two additional two-year terms, at the City's option. The Agreement may also be terminated without cause by the City upon a 45 day advance notice. In that event, the parties would meet to discuss whether alternatives to termination exist. If the City proceeds with termination, Redflex would be entitled to cost recovery reimbursement based on the number of outstanding months left in the agreement. This early termination clause is similar to provisions found in other California cities which use Redflex.

As in the current Agreement, the City retains sole control over the decision to issue citations. Redflex does not have the authorization to make a citation decision. Redflex supplies the imaging

information (video and photo) of a citation candidate and the City decides whether a citation should issue based on that information. This clause is consistent with California case law regarding red light camera operations.

The pricing for the Redflex system is discussed in the Fiscal Impact section, below.

## **FISCAL IMPACT**

The current contract provides for a “sharing” of the fine revenue on a per citation basis with Redflex. This has resulted in difficulty in accurately tracking of the revenues generated by the red light program. The Alameda County Courts do not identify by specific Vehicle Code violations, the source of the fine revenue which is paid to the City. As a result only a best estimate can be made of the revenue generated by the Red Light Camera Enforcement Program. It is estimated that \$2,468,000 in fines has been paid to the City by the courts through November of 2008. The City has paid \$1,946,274 in fees to Redflex during this same period for net revenues of approximately \$521,726.

Legislative changes enacted since the City signed the existing contract have resulted in the elimination of the per citation sharing of the fine and forced Redflex and other red light camera system providers to charge only a flat rate for their services. Staff has been in negotiations with Redflex over the flat monthly fee and has agreed on \$6,000 per month per approach for a total monthly fee of \$24,000. Additionally, the proposed contract incorporates a fee of \$6,500 per month for all new approaches. During this existing contract the City has averaged \$38,925 in monthly fees paid to Redflex. The proposed contract will result in an average savings of \$14,925 per month.

Payments to Reflex have historically been netted against collections from the Courts. Since it is advantageous to separate the revenues from the related expenditures, an appropriation of \$288,000 is needed for fiscal year 2009-10 for such contractual payments. Similarly, an appropriation for estimated revenues is needed to account for the decoupling of Reflex payments that had previously been netted against the vehicle code fines revenue budget. As a result, an appropriation for such estimated revenues of \$470,340 is needed for fiscal year 2009-10. Appropriations for the remainder of the 5 year contract will be made as part subsequent budget processes.

**RECOMMENDATION**

Staff recommends that Council approve the resolution authorizing the City Manager to enter into an agreement with Redflex Traffic System Inc., of Scottsdale, Arizona to continue to provide a comprehensive automated red light photo enforcement program at a monthly fee of \$6,000 per approach, for a total monthly fee of \$24,000 and appropriating \$288,000 in professional services expenditures in account 2100-80050 and \$470,340 in vehicle fine revenues in account 2100-60400 for fiscal year 2009-10.



Ken James  
Chief of Police

APPROVED AND FORWARDED  
TO THE CITY COUNCIL

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Patrick D. O’Keeffe, City Manager

Attachments: Contract

**RESOLUTION NO. 09**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS, INC. OF SCOTTSDALE, ARIZONA FOR THE CONTINUATION AND MAINTENANCE OF THE PHOTO RED LIGHT ENFORCEMENT PROGRAM AND APPROPRIATING \$288,000 IN PROFESSIONAL SERVICES EXPENDITURES IN ACCOUNT 2100-80050 AND \$470,340 IN VEHICLE FINE REVENUES IN ACCOUNT 2100-60400 FOR FISCAL YEAR 2009-10**

**WHEREAS**, traffic safety is a primary concern of the City, the Police Department, and the motoring public; and traffic accidents are prevalent at signal controlled intersections; and experience has shown that red light violations are a primary collision factor at signal controlled intersections; and

**WHEREAS**, the City's automated red light enforcement systems has proven to effectively reduce the number of traffic accidents at those camera controlled intersections, and traffic safety is enhanced by the reduction in accidents and the resulting injuries and fatalities; and

**WHEREAS**, staff has reviewed the various vendors of automated photo red light enforcement systems and determined that the Redflex System continues to best fit the needs of the City; therefore, now

**BE IT RESOLVED**, that the Emeryville City Council authorizes the City Manager to enter into an agreement with Redflex Traffic Systems Inc. of Scottsdale, Arizona to continue to provide a comprehensive automated photo red light enforcement system for a monthly fee of \$6,000 per approach and a total monthly fee of \$24,000 and appropriating \$288,000 in professional services expenditures in account 2100-80050 and \$470,340 in vehicle fine revenues in account 2100-60400 for fiscal year 2009-10.

**ADOPTED** by the City Council of the City of Emeryville at a Regular Meeting held on Tuesday, August 18, 2009, by the following vote:

**AYES:** \_\_\_\_\_

**NOES:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**EXCUSED:** \_\_\_\_\_ **ABSTAINED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**ATTEST:**  
  
\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
**CITY ATTORNEY**